

NEWINGTON TOWN PLAN AND ZONING COMMISSION

April 27, 2011

Regular Meeting

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Town Council Chambers at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares
Commissioner Turco

Commissioners Absent

Commissioner Casasanta
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz and Commissioner Turco was seated for Commissioner Casasanta.

II. PUBLIC HEARINGS

- A. PETITION 11-11 – 1076 Main Street Finn Bque’s Restaurant, applicant contact Francis Del Mastro 1076 Main Street Newington, CT Town of Newington property owner, request for Special Exception Section 3.2.8 Special Events, 1st Thursday of each month May to October 2011, within the municipal parking lot “Constitution Square, abutting the back of 1076 Main Street, an area of approximately 16, 800 square feet.”**

Chairman Pruet: If the petitioner would please come to the podium, identify himself, the name and your street address please.

Mike McGarry: I’m acting with Fran, I promote the music and entertainment portion. My name is Mike McGarry, 176 Whitney Street, Hartford, Connecticut. I’m here as the part of this event that puts on the music and essentially does all of the detail work of the tables, chairs, staging, fencing and all that. I have an extensive history of doing all of this. I’ve been involved in similar events since we had the first Asylum Hill Octoberfest, back in the ‘70’s. I’ve been almost seamlessly it looks like now, dozens of these events all over this part of the country, more of a hobby than a business and we do it more because we enjoy Celtic music. Our goal here is to bring more of the finest Celtic entertainment. Now Celtic is more than just Irish. It involves Cajun music, it involves music of Appalachia, it involves music of that whole

jondra. We hope to bring a lot of that here. Steve Shanty, Irish humor, a whole variety of music, and the first one, May 5th, moving pretty quickly to honor Dan Carey. Many of you knew Dan as the City Clerk of Hartford and Dan was involved in the sister city relationship with (inaudible) Dan was the guy that got the golf tournament started which many people in Newington are involved in the golf tournament, the McBrides, and many other families, and it's been a fifteen year relationship and I was on the Hartford City Council at the time to help put it all together. So we are tying it all in, we are tying in Irish history, the music of 1798, in the first one anyway, and bringing in Tom Callahan, a very good talent. We are keeping the details simple. We are taking a small part of the parking lot and surrounding it with the rubber fencing thing and we will have a stage which is from Coronas which is like a half flat bed. We have our own electricity, a little generator and the music is faced toward the restaurant, so as not to bother anybody. Won't be very loud actually, it's music that you will have to listen to, on purpose. It's a relatively good group of musicians, a focus group with Tom Callahan and their object is to get across the idea by music. So it won't be very loud, you don't have to worry about that. It will be very interesting. It is set up so that people can listen and talk and have a good time at the same time, but it will be the type of thing that everybody can enjoy. It will be a family event. The food and drink is up to Fran. The music and set up is up to myself. About 250 chairs, 40 tables with umbrellas and a couple of small ten foot tents. Other than that, it's pretty simple. People will come in, they will have a wrist band, the wrist band will cost \$5.00 of which most of it will go to charity and the rest for overhead. Whether or not we make any money on this all depends on the weather and I think the charities will do very well if we have good weather. The charities will be regional charities that include Newington, and three Newington charities. So it will work out pretty well. We will have people from all over the region coming we hope. Hopefully the Arts Council, that's why we called it First Thursday, the regional Arts Council will use this and with the cooperation of radio stations we hope, we notified, with a little thing at the bottom, pending Zoning approval. We had to publicize this early, pending zoning approval, all over the area, which we have done. Tomorrow, if we get your approval tonight, which we really need, we will produce hundreds and hundreds of these posters, which will be everywhere in the region, and hopefully in the newspaper and we hope to have a great event. Are there any questions on this?

Chairman Pruet: Okay, thank you Mike. Questions from Staff, Ed?

Ed Meehan: Thank you Mr. Chairman. The Commission members have a written staff report in front of them, which I also shared with the applicant by e-mail yesterday. Attached to the staff report is a location map showing the back of 1076 Main Street and the 140 by 120 foot area that they would like to secure for the event that was just described. The western side of the parking lot and also attached is a flyer advertising and describing the first proposed event on May 5th. The details of this have been discussed by myself with both Fran Del Mastro and Mike McGarry on more than one occasion. I also met with the Town Manager last week to go down the list that is on this report of items that we feel should be addressed and both the Commission and neighbors and businesses in the center should be aware of. I will summarize this quickly for folks in the audience and Commission members. First, before you close this public hearing the beneficiaries of this event, the charitable organizations should be identified. If not identified for the future events, at least for the near term events so that the Commission knows that part of the proceeds will be going to these charities and that is in line with the Zoning requirements. The issue of how the fence is going to be set up and the impact on the adjacent businesses I think needs to be described in more details. You see I have mentioned the neighboring restaurant, Hidden Vine, and the Motta property, which has some apartments which my understanding is that there have been some conversations with the adjacent property owner about coordinated parking and access to those apartments, so I think Commission members should know about that.

Insurance coverage with Newington as additional insured, Fran Del Mastro gave me a copy of the binder this afternoon which I will turn over to the Town Manager's office if this is approved and moves forward. It looks to be in order.

Some of the details that I have listed here from our meeting last week with the Town Manager were agreed upon and I believe will be necessary for this event. It's called First Thursday, but the event application that was filled out for the use of the municipal parking lot includes actually eleven dates, from May 5th to the middle of October, October 15th. Each of these events, depending on the entertainment, some or all of these facilities are going to be necessary I believe, toilet facilities, outside toilet facilities, the commitment to clean up after each event has been made, not only in the event area but on the perimeter where some people may wander off and drop litter; fencing is understood with a brand new parking lot that they're not going to be drilling holes or putting fencing in landscape areas has been agreed to; police security, the restaurant owner has talked with Newington police officials and that needs to be determined, and again, that may be, if this goes forward, observation of how it is being operated, what might be needed there, that would be up to our police department; liquor permit, that is the responsibility of the permittee. We have a copy of their application to the State Liquor Commission and it hasn't been signed. It's being held by the Zoning Enforcement Officer until you act tonight. The electrical permit if that is necessary, tent permit if that is necessary. These are the typical things that we have for public venues and events, so these may be some of the items that you may want to go over with more detail, and I would just close by saying this is the type of event or events that were envisioned when the Town Council and the Downtown Revitalization Committee spent about two years working on acquiring this piece of property from the private property owner, improving it, and trying to make the center more of a focus for Newington families and activities. Thank you.

Chairman Pruet: Thank you Ed. Mr. McGarry, do you have any provisions like for a rain date, if it rains on a Thursday, will you do it the following Thursday?

Mike McGarry: We will move inside if it rains, we'll move into the restaurant. It will limit the size of the crowd, but since, thinking of that, we have a long time frame, so if it does rain, we will just move inside. It's hard to re-schedule these things. These guys have other commitments, they are professional performers and they may have other commitments. We do have, I forgot to mention, the cooperation and the co-sponsorship of the Newington Downtown Business Association, they are co-sponsors, along with the Newington paper, the New Britain Herald, Hartford Distributor Heineken, Hartford Publications and we will probably get additional sponsors as we go along. We can do it inside, it won't be as big a deal inside, but we think that will work.

Chairman Pruet: Commissioner comments, questions, concerns? Questions for Ed?

Commissioner Turco: I have a question for Ed. Ed, you had mentioned that the application is for eleven days?

Ed Meehan: Yes, it's eleven.

Commissioner Turco: And Section 3.2.8 allows only ten days?

Ed Meehan: Well, the Commission has interpreted that, an example that I guess that I would give you is the Kiwanis Flea Market where they, over the last five years, six years, maybe longer, they split, they have more than ten days. They cover two seasons, spring and fall and the practice has been set there and that's what the Commission has granted. The reason that I say eleven is that there are two operations here, there is Mr. McGarry's First Thursday and then I think Fran was talking about doing some events apart from that. So maybe that

should be explained, because they are not only going to be on Thursday nights. The applicant had to submit two different applications. The first starts with your board, a Special Exception for events, and then the second one is the town ordinance, the public events on town property, so I picked up the eleven dates from the second town ordinance form and wanted to call it to your attention, the public attention because it's not just for Thursday until October, there are other nights on this list. So you should be aware of that.

Chairman Pruet: Additional Commissioner comments? Mr McGarry, this is a public hearing, take a seat and.....

Mike McGarry: Okay, Fran, do you want to say a word or two?

Fran DelMastro: I represent Finn Bque's Irish Cook House at 1076 Main Street in Newington. We appreciate the time the Council is giving us on hearing us. I guess first I can just touch on, on your map, you are looking at about 16,000 square feet, that we are looking to use both for the First Thursday and additional events. That has been reduced after speaking with my neighbor, Sal Motta at the Hidden Vine, because there was a concern for his neighbors, his tenants having a clear right of way to enter and exit their homes. So we walked the actual parking lot and that space is reduced probably about 2500 square feet to leave a swath through the parking lot so they can enter and exit freely. There are, aside from the First Thursdays, I did put addition dates to eleven, each one as well as our First Thursday dates are all fund raisers mainly because Finn Bque's is here to make an impact in this town. We feel that we can do a lot of good and with the amount of events that we have, which is eleven, spanning from May into mid-October we can literally hit some areas in this town such as Human Resources, Human Services that can really use some help. I made the proper calls, I'm waiting for calls back on that. May 26th is the date, the second date in May, that's the fund raiser for Give to the Troops.org. That is a personal favorite of my own. We used that same fund raising organization on our grand opening and it was success. What I'm trying to do is create an annual event, and all of these events that we are trying to put on, we're looking to make a signature event, so this town can look forward to having it every year. It is by trial and error and I know there are concerns with some people, probably in these seats. I do have thirty years experience in this field, Mike has, without aging him, a little more experience and together we have done this before. We're working very close with our neighbors, we're working very close with the Town, we want this to work without any hitches for the simple fact that we would like to be doing this year after year after year, creating an impact for this town, and literally doing some good in areas that need it. I'm here for any questions.

Chairman Pruet: Thank you. Okay, this is a public hearing, anybody from the public wishing to come forward and speak in favor of this petition?

Tom Shields, 56 Wilson Avenue: Basically I stand up here in favor of this, we brought this up before the Newington Economic Development Commission pending your approval, and the Economic Development Commission is one hundred percent behind this because it figures it will kind of increase the economic stability to the downtown area with some of the shops and the restaurants and whatever else we have over there so basically the Commission was unanimously behind moving forward with this, pending your approval. Thank you.

Chairman Pruet: Additional public input in favor of this petition? Anybody from the public wishing to speak against this petition?

LeeAnn Brophy, 48 Buckingham St: I'm not going to say I'm against the petition, but I'm going to say that we are a neighbor of this parking lot. We have a karate studio which borders the parking lot. Our classes run from 5:00 to approximately 8:15. Most times they are Tuesday, Wednesday and Thursdays. The first I heard of this event was when it was publicized in the Newington Life and then we got a letter about this meeting. My concern is that my people that do use the municipal parking lot will no longer have anywhere to park. Also, while these fund raising events are going on, it is scheduled to tear up the front section of Market Square again and renovate that, so my concern is, I'm all in favor of bringing things in to help Newington, we've had a business in Newington for fifteen years, every time my people can't park I lose business as well. That's my main concern with that, you've addressed certain things such as trash pick-up which has been an issue when things have been closed before. We already have the street closed down twice a year for the car show and for the Waterfall Festival, both nice events, negatively impact my business, but for Newington it's a good thing. So like I said, I'm not saying that I'm completely against it, I do have concerns and I think that as a business I may lose business every Thursday, and if it continues, I could lose business from there. Those are my concerns.

Chairman Pruet: Ed, any concerns you may have on the parking issue?

Ed Meehan: Well, this is definitely going to disrupt parking on the far westerly side. It was mentioned that the area was reduced a little bit but we still have, I don't know the number of cars that would be displaced, at least three rows of cars would be affected. The travel ways are not going to be affected, from Main Street, or the travel ways around the green because we want to keep those open for circulation and access for emergency vehicles. There may be some displacement but we are hoping that as these things evolve people will find that after 5:00 at night, other businesses are closed, they are sharing the spaces, and people will not be inconvenienced. As the applicant said, some of these things are going to be trial and error, let's see how this thing works. You don't know how things will turn out as far as popularity, a lot of that depends on the entertainment that night, how well this gets advertised. 16,000 square feet may be too large. We'll know that after the first couple of events, we may contract it a little bit.

Chairman Pruet: Thank you. Additional comments from the public against this petition?

Rose Lyons, 46 Elton Drive: I am not opposed to this, I am not in favor of it, I just have some thoughts and I know for the Constitution Square area, the former mayor had a vision of what was going to be held there, and had the green put into the parking area, I didn't realize that the vision was for bands and food and liquor, I thought it was going to be more family oriented type of activities. From what they are describing it sounds fine as long as the tenants in those buildings aren't disturbed and the other businesses aren't affected, it's just some thoughts that I have that I just hope that it is not pushed through very quickly. I happen to know that it's also in the newspaper, advertising for these events prior to your approval. I said it in front of the Town Council and I have said it in front of the TPZ that I think we shouldn't be pushing things through without everybody having some chance to voice their opinions on this. If the tenants in those buildings have been informed and if the businesses have been informed, they have no objection to it, I have no objection, I'm a mile away from the center of town. I just wonder if giving a blanket authorization to go from May to October, if there is any kind of way for them to have to come back here if people are having a problem with it, if it's an issue, what do you do then? I don't know. But anyway, just my thoughts, either, as I said, I'm not for or against it, just some thoughts on exactly how this is going to work, and if you are just going to be giving them blanket approval to go right through without having to come back here at some point in time if it is disrupting to the tenants or businesses.

Chairman Pruett: Thank you. As stated before by the Town Planner, and the petitioner, it will be an on-going event and adjustments will be made, especially concerning safety and regulations. Further comments from the public against this petition? Okay, petitioner has an opportunity to rebut. Mr McGarry, would you like to take the podium?

Michael McGarry: Yes. As far as the parking goes, what we are going to try to do is send people to the appropriate area. We will talk to all of the area merchants, especially the one who is here tonight, and try to find a way to have parking that will not affect all of the merchants. It is after 5:00 o'clock, and I've been over there after 5:00 and that's a pretty big parking lot. There doesn't seem to be a lot of usage after 5:00. But if any merchant has a problem, we will work with that merchant and try to park away from anything that would affect them. In all practicality I think that is very important to do. As far as the noise or inconvenience, we have called just about every business in town, it's not easy to get ahold of all of them, and told them all what we are up to, and asked for their input and we have had nothing but good comments from just about everybody that we talked to, and we're willing to work with any merchant and work out any details that we can work out. Again, every single time we have one of these, we will improve it. So whatever mistakes might be made, or inconveniences, for example, the seniors that live down the street, I went down to see them, in that big apartment building right down the hall, we have invited all of them as our guests, and they are very excited to come over. Again, we are going to have the sound go away from that building in case they go to bed at 8:30, we won't keep anybody awake.

Chairman Pruett: Thank you. What are the feelings of the Commission on this?

Commissioner Anest: I have one quick question. Market Square is closed, that means a lot of the traffic is going to be diverted down the little alleyway from Main Street into the parking lot because they can't go down Market Square?

Ed Meehan: Market Square is not going to be shut down.

Commissioner Anest: It's not shut down but people aren't going to be able to park on Market Square.....

Ed Meehan: Our discussions with the Downtown Revitalization Committee, we haven't gotten to the final construction documents but the project will go out to bid within another month with probably a mid-July start date, and our instructions to the contractor will be just like we did on the other streetscape project, they have to keep the public thoroughfare open, and they have to provide public access to businesses. When they finish their work at the end of the day, they have to close up and secure the construction area. There is no major utility work being done on Market Square, the street being narrow, the existing pavement in fact is not even going to be disturbed across the middle of Market Square except for three crosswalks, so we don't believe that traffic, throughout the day, I'm not saying there won't be some slow down, but when the contractor is out of there at night, traffic will be moving as usual. They talked about the car show and Waterfall Festival, Waterfall Festival is on a weekend, car show is in June, I think I saw the date as the third Thursday, second, so that is an interruption, the street is definitely closed down.

Commissioner Anest: Okay, my concern was the alleyway that goes down by Goldburgers, that they have the gate like right there. Traffic going down there to the parking lot, with the gate right by the roadway, I don't know if they can put the gate some where else, I'm just concerned about, very, very nervous, it's going to be a family event, there's going to be little kids, and entering and exiting in that area, and it's kind of hard to see, there is that little crest coming over.....

Ed Meehan: That's a good point. Maybe the gate belongs at the east end of this, so when people park they walk closer to the gate. There is a sidewalk now along that roadway into the parking lot and I would want that sidewalk left open, but it's one way traffic, you can still get people who race in there. That's a good thought.

Chairman Pruett: Okay, what is the consensus of the Commission?

Commissioner Camerota: I would like to make a motion that we close the public hearing and move this petition to Old Business.

Commissioner Pane: Excuse me Mr. Chairman, I still have a question.

Chairman Pruett: Okay.

Commissioner Pane: Could the applicant clarify, it was a little unclear how much of the \$5.00 donation at the door was going to be given to the charitable organizations, and what organizations again, and I guess there were three of them, and then the other question would be there were eleven events, but then there was some mention of some additional events, it wasn't clear. How many more besides the eleven are there going to be? Thank you.

Mike McGarry: I believe it is just a total of eleven events. I think just eleven. The wrist bands will be \$5.00, two dollars will go to charity, one dollar for overhead, tents and such, one for overhead for Finn Bque's, they need special equipment, and one for the final event, we need promotion. The final event is a national figure that we want to bring in, Robbie O'Connell. Robbie is the last remaining Clancy Brothers and he has a friend who has a home in Farmington, and that event will be a little different. We are going to do a cultural things at that event, and there will be some money involved in that. We are going to invite all of the cultural organizations to come in, and that will cost us some money. We will have a special publication. So two dollars will go directly to two groups, the first one is Sisters City International which encompasses Newington. The Greater Hartford Sister Cities International of which there are I think twelve cities involved, our sister city, one of them being Wexford, which has been back and forth, dozens of events, they come for the St. Patrick's Day parade, we send groups there, there are schools that go back and forth, it's quite a cultural tie in. So that will be the one charity, and the other charity will be Cultus, International. Cultus actually plays, Cultus is an international Irish organization run by the Irish Government of Ireland and each individual group has to take care of some expenses. That's for the first event. I don't expect the first event to be, being the first one, not having a long lead time, I don't expect a really big crowd at the first event. I hope we get a good crowd, but the weather has been kind of tough, so who knows. The other events, there will be three Newington charity events and Fran right now is working that out for some great charity events, one of them being the parade itself. Now as you know, the St. Patrick's Day Parade, every single town must pay it's own expenses. The parade in Hartford costs sixty thousand dollars. Thirty-two thousand for cops alone. So the Newington contingent has to come up with their share. It's very hard for them to do, to raise that kind of money. So the last event will be towards the parade, the Newington parade which will be good, work out pretty well. Another event is the golf tournament itself with Ireland, it's going to be every two years. The McBride family is very involved in that as are lots of golfers from Newington, so there is a variety of things. The three Newington charities is really up to Fran to figure out which, we really don't want to deal with charities that have a lot of money, we want to find some that really need money, and that is being worked out. Any other questions?

Commissioner Pane: No, thank you very much for clarifying that.

Chairman Pruet: Any other questions?

Commissioner Turco: A quick questions for Ed if you don't mind. How many parking spots, are total in the back and in the front and how many are being lost by this?

Ed Meehan: I just looked at the map, the map that the Commission members have in front of them, and within that 16,000 square foot area there would be a displacement of thirty-three spaces at the time of the event. In front of the restaurant and all the way up to Carvel's and down to Goldburgers there are thirty-seven parking spaces on Main Street. The parking lot now that it has been reconstructed is up to about a total of 390 spaces in the municipal parking lot. So you would be down, thirty, thirty-five that would be out of bounds during the event.

Commissioner Turco: Thank you.

Commissioner Camerota moved that Petition 11-11 be moved to Old Business. The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion with seven voting YES.

Commissioner Anest left the meeting at 7:45 and was replaced by Commissioner Aieta.

B. PETITION 14-11 – Newington Town Plan and Zoning Commission, applicant 131 Cedar Street, Newington Connecticut request for zone regulation amendments Section 6.2.1 (E) digital time and temperature, and fuel product display signs and Section 9 Definition : Sign, Mechanical and Digital.

Chairman Pruet: Ed, if you could just elaborate on that petition for us?

Ed Meehan: This petition is being presented to the public for public comment and information called Digital and Mechanical signs. It's been under discussion by the Commission for at least three or four meetings as an open item. The Commission has revised it a couple of times. The intent is twofold. First, to provide the definitions, a better clarification and example of what signs, mechanical and digital mean and that has to do with the signs that can be flashing, scrolling, rotating, video graphic signs and so forth which now sometimes we see them on billboards around the region. What this definition would say is all such signs are prohibited except time and temperature signs and two, fuel price signs that comply with the standards of Section 6.2.1(E). That is being proposed as a new section within the Zoning Regulations, and that section would permit gas stations, places that sell gasoline, diesel fuel, bio fuel, rather than having a price sign fixed, X number of dollars per gallon, to be able to change that electronically through a digital means. So if you are familiar with driving down the Berlin Turnpike seeing Merit and Citgo and Mobil, where you see the fixed signs on the poles, the trend now is to deal with that electronically. This would permit that, but it has restrictive standards as to the size of the digital signs. It can't be higher than one foot, or wider than three feet and the digital sign cannot flash, it cannot run, it cannot scroll. It's just going to be an electronic sign that is changed whenever gasoline prices change. Further, the Commission has restricted this so this will only be in the Planned Development Zone and the Berlin Turnpike Zone which essentially covers the three miles, three and a half mile stretch of the Berlin Turnpike. The digital signs will not be permitted in the Town center or any local neighborhood business district. Neighborhood business districts, an example would be up near Stoddard, Hartford Avenue, Main Street, we do have a Shell gas station, and in the near future a new gas station/convenience store will be built on the vacant lot across from Yanni's where there was a gas station before. Another example would be over on Maple Hill and

New Britain Avenue where there is a Sunoco Station over there, up at Willard and West Hill there is a gas station. Those areas cannot have any electronic signs. So that in essence is a summary of what you have for the public call.

Chairman Pruett: Commissioner comments?

Commissioner Aieta: I would like to have this petition address the signs that are currently in use on the Berlin Turnpike, behind the windows, and they are flashing. We have to clarify our regulations to the point where we know if it's a permitted use or not. Our regulations don't say anything about signs that are inside the windows. There are five or six businesses on the Berlin Turnpike that have not only flashing, but they are running, right behind the window. There's a window, and if this is not an approved use, it has to be addressed because there are four or five now, and I've seen more in the last four or five months.

Chairman Pruett: Okay, well if you could bring that up under Old Business, under possible zone amendments?

Commissioner Aieta: This is the time to pick up on this now, you're talking about a regulation and is going to regulate this type of sign. We need a clarification whether this okay to have them behind, inside the windows or not, and it would tie in with this regulation.

Chairman Pruett: Any other comments on that?

Commissioner Pane: I agree with the Commissioner Mr. Chairman. We could make a simple change in the wording of the language that has been given to us so that we could either allow them, or not allow them behind glass. Commissioner Anest brought these up some time ago, there are some new ones popping up. I think we should address it as we are addressing the digital signs. Thank you.

Chairman Pruett: Further Commissioner comments?

Commissioner Aieta: One more point, I'd like to have the Town Planner give us some explanation of how this affects this regulation as far as behind the windows or not. The Zoning Enforcement Officer does not enforce signs, but it is getting to the point where it's an eyesore on the Berlin Turnpike. I can tell you the names of the stores if you want to know, but they are not just digital signs, they are rotating, moving, flashing signs in the windows. It's, this regulation doesn't address, we're trying to stop it so that it isn't a flashing sign.

Ed Meehan: May I comment? Since the last meeting when it was brought up, I went over and looked at two businesses, a new delicatessen, Tony Baloney's I think and then two stores away a sound auto installation company. I believe those are in violation of the regulations now, because they are video graphic, flashing and so forth, but to add a little bit more teeth, you could probably beef up the definition of sign, mechanical and digital to add a phrase, you know, behind windows or whatever, which would certainly give us another tool to use. First because it's digital, rotating, flashing and secondly it's covered behind the window and third I believe the signage may be in violation because as a sign, they could be over the square footage allowed for each business. We try to work with the landlords so they allocate business signage per tenant and when people put signs behind the window, I'm not talking about paper signs that are up because turkey is \$1.50 a pound, I'm talking about video signs like this, they are probably over the square footage allowed for them, so with the Commission's indulgence, I can try to craft some language, I know that you are thinking of keeping this open Mr. Chairman.

Chairman Pruett: I planned to keep it open so maybe you can work on some language, we'll keep it open, bring it up at the next meeting, we'll keep it open until we fine tune it.

Ed Meehan: Okay.

Chairman Pruett: Is that the consensus?

Commissioner Hall: I agree, and I think if we put something to the effect of any flashing, moving, whatever, anywhere on the premises that can be seen from the street, or from the parking area, or whatever, just something so that we are very specific that we intend that anything that can be seen, facing the building, is what we are talking about. They want to have it inside somewhere, that's fine, but it is, it's beginning to look like a bit of a circus. The other thing, some of the package stores that have the running lottery. They have had that for a while, where it scrolls. It's only like about four inches tall, but it is a scroll and it tells you the daily number and price, the pot, all of that, and those have been popping up here and there too. I think that there may be one at the 7-11, I know that there are some in the liquor stores.

Chairman Pruett: Further Commissioner comments on this?

Commissioner Lenares: Just for clarification, some of the time, I mean the problems are probably a little out of control, I'll agree, but what about like an OPEN sign? I mean I have a business in town, I think I have an OPEN sign, I'm not sure if it flashes or not. I don't even know, I couldn't even tell you. But the purpose of the OPEN sign is that you can see it from the street. I do have a problem with that, I mean, that's a little ridiculous.

Ed Meehan: I don't think we were talking about that....

Commissioner Lenares: I just need a clarification, something that has nothing to do with like an OPEN or CLOSED, it's more like a promoting of your own business kind of thing.

Ed Meehan: What I was trying to draft for you is a, is language or a standard that addresses what Commissioner Hall has talked about, and Commissioner Aieta is talking about, is they are about two feet high, and the width of the window and in fact I went over there just before the meeting tonight, it changes every three or four seconds. Those are the ones.....

Commissioner Lenares: What do they say? They're not OPEN signs.

Ed Meehan: No, I mean, they were moving so many different varieties and different colors so fast that I couldn't tell you what they were saying, but they are distracting.

Commissioner Lenares: I'll stop after the meeting and get a list of where they are, I'd love to see them. I just wanted to make sure I mean, if you were talking about OPEN signs, you're getting a little crazy.

Ed Meehan: Between Brockett Street and Kitts Lane on the Berlin Turnpike.

Commissioner Lenares: Okay, that's fine. Thank you.

Commissioner Aieta: I wanted to say, the signs that you are talking about are not flashing or rotating, they are just OPEN signs. We aren't talking about that. If you go to the cable store on the Berlin Turnpike right across from Prospect, he has one, the PC Shop, they have one, these are not signs that have been there for years, this is the new technology within the last six months. They're popping up and becoming.....

Commissioner Lenares: Sounds like a bit of a loop hole, we should take a look at that.

Chairman Pruet: Okay, this is public participation. Does anyone from the public wish to comment on this petition, for or against? Okay, seeing none, Ed, will you work on the language and we'll have this at our next meeting.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

April 13, 2011 Regular Meeting

Commissioner Hall moved to accept the minutes of the April 13, 2011 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

A. **8-24 Referral** Easement to CL&P for electrical service Mill Street Extension, New Samaritan Elderly Housing Project.

Ed Meehan: The first item is the 8-24 Referral from the Town Council to the Town Planning and Zoning Commission under the Section 8-24 of the Connecticut General Statutes, the Planning and Zoning Commission needs to report to the Commission on any sale of town property or easements granted on town property. This particular case is for the area of Mill Street Extension. My staff report has a little location map. This easement would be to CL&P to put the extension of electrical services underground with a transformer for the proposed New Samaritan Elderly Housing which is now undergoing construction there. The easement area is about 2600 square feet. That's part of the easement area. The other part of the easement area is under the purview of the Newington Housing Authority and therefore will deal with that. This is necessary to provide double loop service into this building which is for, as you know elderly residents, and apparently there is a Public Utility Control regulation that when you have a frail population they have to have two means of electrical service in case one of the systems goes down. So that is why the transformer and extra linage is required. The other reason it is on this side of the building, a little bit more background, is when the site plan was approved, Planning and Zoning Commission at the request of the neighbors asked that the utilities, transformer, emergency generator be relocated from the Welles Drive North side to the westerly side near the pathway that goes into Farmstead and behind St. Mary's, so that is why the utilities are on that side of the building.

Chairman Pruet: Any questions for Ed on this 8-24 Referral? What is the pleasure of the Commission on this? Do we have a consensus to move this to Old Business?

Commissioner Turco moved that 8-24 Referral should be moved to Old Business. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

VI. NEW BUSINESS

A. PETITION 15-11 – 150 Kitts Lane, Joey Garlic's Restaurant, Yale Realty Services Corporation owner, Michael Berzrudcyk, 505 Asylum Avenue #404 Hartford, CT 06105 contact, Anthony Sullo 150 Kitts Lane Newington, CT 06111 request for site plan modification 140 square foot customer take out area and 420 square foot (30) seats seasonal outside dining area.

Michael Berzrudcyk, Archimage Group Architects, 505 Asylum Avenue Hartford, CT: The owner of Joey Garlic's is also here in case you have some questions for him. I have a supplemental photograph that might help explain the application, if I could pass these out. That is a photo of the north side of the Joey Garlic's Restaurant, the application is for Joey Garlic's Restaurant, 150 Kitts Lane. The restaurant has a bad problem, they get really crowded at certain times, peak hours. It's actually a good problem, so why that happens is that there is one entry so people coming to dine go through that door, and people who come to pick up an outgoing order, pizza and entrees also go through there and frequently they have to queue up and wait for the pizza being built, so we are proposing a new entry vestibule just for take out orders. That would be along the north side of that façade. You can see the main entry, it's on a forty-five degree angle there, we're going to put this new vestibule all the way to the left, the left most awning portion on that north face, so that left most awning will come down, and you have the floor plan and the elevation that we submitted with the application showing what it is going to be. It's a ten by fourteen kiosk, so to speak with its own entry to identify it as take out only.

Ed Meehan: The plans are on the stage, I didn't have anywhere to put them. The applicant submitted a full set of scale drawings.

Mike Berzrudcyk: What is showing on the plan there is the north face of the building, the existing sidewalk that runs along that building, an existing mulch bed and you can see the existing entry way on the diagonal, on the far right and then the elevation, you can see the new kiosk, the vestibule that we built to the left side. It might be hard to see, because it blends in really well. It will be built exactly like the architectural character of the existing building, which is wood trim, windows and doors, plaster cornice. About ten feet by fourteen feet, it's going to take up an existing mulch bed but it doesn't encroach on the existing sidewalk. We're saving some of the mulch bed with plantings to the left and a little bit to the right. There is an existing birch tree that will stay to the left of the new vestibule. When you walk into the vestibule there is a counter with a cashier, there is a bench to sit and wait for your pick up order and there is a pass through to the restaurant that makes a lot of sense because the pizza is created right inside the restaurant to the left of that. So the outgoing order is rushed out to the outgoing vestibule. Concurrent with the application, we are proposing some outdoor dining, seating, seasonal, thirty seats surrounded by a wrought iron fence. Again, it doesn't encroach on the existing sidewalk. I think the seats will be removed during winter, the fence will probably be permanent. What I didn't show is that we will probably have umbrellas on the tables, we're not sure about that, but we probably will. Any questions?

Chairman Pruet: Ed, staff comments?

Ed Meehan: I think it's a pretty straight forward application. The take out area is 140 square feet, a little bump out on the side as described. It will not affect the sidewalk which is important because that is the access way for people who park on that side of the restaurant. That's the majority of parking. The rest of the planting bed, up to where the front door and

the bench is will be removed for the seasonal dining. A little green space on either side of the bump out for roof drainage, so we can just regenerate that back into the ground. It's seasonal, and as far as the parking, thirty seats, based on the popularity of this restaurant will affect parking but this is a multi-tenant plaza and there is quite a bit of parking over towards the east here, towards Bob's and the other in-line stores in the plaza.

Chairman Pruet: Thank you. Commissioner comments?

Commissioner Turco: Just a question, is the new take out area also seasonal, or just the outdoor seating?

Mike Berzrudezk: Just the outdoor seating is seasonal, the take out area will be year round.

Chairman Pruet: You have dedicated parking for people who are coming in just for take out?

Mike Berzrudezk: Yes, there are some spaces designated for take out only, I think five or six, ten minute limit. There are three or four spaces now, they are currently near the front entry, we will move them over near the side of the building, the take out.

Commissioner Pane: That was my question, I just wanted to make a recommendation to move the reserved parking spaces closer to the take out. I can see that you are on top of it. Thank you very much.

Chairman Pruet: Anybody else?

Commissioner Camerota: Since you are going to be taking out the green area that is currently there, are you going to put planters.....

Mike Berzrudezk: I think there is some opportunity for planters especially in that main entry where you walk in, the big sidewalk, you can see that, yeah, we have some plans for planters, trees, shrubs there.

Commissioner Aieta: Just a clarification. You didn't mean to eliminate the sign.

Mike Berzrudezk: No, I didn't have the graphic that showed the exact, so, yeah, that's going to remain up there.

Commissioner Turco: I don't know what the pleasure of this Commission is, but with spring and summer approaching, is this something that we can expedite and move to Old Business?

Chairman Pruet: I believe so.

Commissioner Turco moved that Petition 15-11 be moved to Old Business. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: Motion passes, we will be voting on this tonight.

Mike Berzrudezk: Thank you.

VII. OLD BUSINESS

A. Possible Zone Regulation Amendments for Discussion and Drafting

Chairman Pruet: This is open for discussion by the Commissioners on the Zoning Regulations.

Commissioner Pane: Mr. Chairman, I, this is the section we started talking about Special Exceptions and trying to beef up the Special Exceptions. I would like the Commission to think about, I talked to Ed briefly about this, but we just recently took auto uses out of our regulations. By taking those auto uses out of our regulations we have prohibited any business, auto business from expansion. That business cannot expand. For instance, let's say, Nino's Auto, down in Newington there wants to expand, add two bays, he can't do it. Goodyear Tire, they decide to buy a piece of property next door to them, they want to put on three bays, cannot do it. I'm very concerned with this. This really stifles all of the auto use business. I understand why the Commission took this out of the regulations, because the previous Commission wanted to keep them out of the neighborhood business zones. I think there is a better way of doing this so that under Special Exception we can get both. We can control auto uses, we can make sure they are nice clean operations, we can protect our neighborhood business zones and our town center zones but we should not be stifling our existing businesses. I want to be pro-active, I want to take care of this problem before it becomes a problem because if somebody comes in for an expansion, they're not going to be able to get one. This isn't pro-business either where we are stifling businesses. I don't know exactly how we can address the language exactly, but I know it can be done. I have talked to some attorneys and it's very questionable on whether or not a group of these auto uses got together they would have a pretty good leg to stand on I think. I think we should take care of this, be pro-active like Commissioner Anest suggests us to do on several things and we should be pro-business and we should not hurt the existing auto uses. When you made the auto uses in the Town of Newington non-conforming what you basically said was you eventually want to get rid of every auto use. By making them non-conforming the process is eventually there would be no auto uses in the Town of Newington. That's not exactly what I think this Commission or the previous Commission wanted to achieve. So I would hope that I would have some support on this Commission so we can address this, and I know that it is going to take more than a couple of meetings, but I would like to see it on our agenda so that we can address this. Thank you very much Mr. Chairman.

Chairman Pruet: Do you have any suggested language at this time?

Commissioner Pane: No, I don't know exactly how we can do this but I think it's possible, and I'm working on it. Thank you.

Chairman Pruet: Okay, Ed do you have any comments on this?

Ed Meehan: Domenic did talk to me and I have to do some more research, I'm sure we are not the first town to come up with this. While I was researching this whole issue a couple of years ago I contacted other Town Planners who have knowledge of this area, I'll go back and check on their regulations. There may be some way of doing this through a Special Exception process for existing auto service uses. I'd have to get some legal advice for you on that because we want to treat everybody fairly and uniformly. The Special Exception process normally gives Commissions an extra ordinary look at a piece of property. So there may be something there that can address this, and permit existing businesses to expand based on your regulations. You have standards in place. We did try to address this by, I'll say being more fair with our non-conforming situation on loss of business, but this is the

reverse of that. This is a business who wants to grow its business and go beyond the footprint. I'll take a look at it.

Chairman Pruet: Basically, they can't exceed the existing footprint now.

Ed Meehan: That's correct. You can build within the building, reorganize floor space but you can't make it more non-conforming.

Chairman Pruet: We'll make this an on-going effort to offer suggestions to our Planner from the Commission. Any other articles to discuss?

Commissioner Lenares: I know that we have thrown around the word pro-business on this Commission, and I'm the biggest advocate of that, and Ed, if what Domenic is saying is true, I think that's a big issue. You aren't being pro-business by stifling these people. I'm the biggest advocate for businesses in this town, and by telling them, let's say, any business owner that you pick, has got an enormous amount of space on their property and putting up an extra 2000 square feet you can't do it. That is something that has to be looked at. That's not pro-business, that's, I don't know the language, if Domenic is going to meet with you, or you are going to meet with attorneys or what, but something has to be done about that because that is, that just doesn't seem fair. If a guy is trying to run a business and wants to make it a little big bigger I think our regulations are maybe a little twisted there. Thank you.

Petition 11-11

1076 Main Street

Finn Bque's Special Exception

"First Thursday Events" – Municipal Parking Lot

Commissioner Turco moved that Petition 11-11 – 1076 Main Street Finn Bque's Restaurant, applicant contact Francis DelMastro 1076 Main Street Newington, CT Town of Newington property owner, request for Special Exception Section 3.2.8 Special Events, 1st Thursdays of each month, and the additional dates listed on Event Application Form (11 total) May to October 2011, within the municipal parking lot "Constitution Square, abutting the back of 1076 Main Street, an area of approximately 16,800 square feet" be approved with the following requirements and recommendations:

1. The local charitable organizations that will receive event contributions shall be contacted in writing by the event organizers and a copy of each letter submitted to the Town Planner.
2. The event area fencing must not encroach onto abutting private property or restrict access or egress to businesses or apartment. The event organizers shall coordinate with Motta Investments the location of the temporary fencing adjacent to the Hidden Vine Restaurant and the walkway into the apartments.
3. Prior to Wednesday May 4, 2011 submit an insurance certificate, with Town of Newington named as additional insured, in amount of coverage as required by the Town's Director of Administrative Services.
4. Finn Bque's and the event organizers shall be responsible for the following:

Toilet facilities, (accessible porta potty)

Clean up after each event – both event area and perimeter of the parking area.

Fencing, no drilling or disturbance of pavement, curbing, landscape islands.

Police security and extra duty officer – to be determined by Newington Police Department

Liquor permit (outside) - Responsibility of Finn Bque's for compliance with State Liquor Commission
Electrical permits for stage area – Finn Bque's contact Building Department for inspection
Tent permit – Finn Bque's contact Fire Marshal/Building Department.

5. The Commission recommends that the Town Departments that will be involved with the setup of these events report any concerns to the Town Manager to correct or if necessary, order termination of future events.
6. This Special Exception approval is granted for the period of May 5, 2011 to October 15, 2011 for 11 event dates. These dates may be altered due to inclement weather but the total events shall not exceed 11. All events' entertainment shall promptly end by 10:00 p.m.

The motion was seconded by Commissioner Hall.

Chairman Pruet: Discussion?

Commissioner Pane: Mr. Chairman, on number five, I would feel more comfortable if the report was given back to the Town Planner so that he could then report back to this Commission, since this involves this Commission and then Ed Meehan could give us a report maybe after the first two events to determine whether or not any changes have to be made and then he could keep us abreast of what is going on. Thank you.

Chairman Pruet: Any comments on that? Any comments on Commissioner Pane's suggestion? I see no problem with adding that for further information to help the Commission, so we will add that.

Commissioner Camerota: Commissioner Anest suggested moving the gate, I think we should add to number two, was that the east side Ed?

Ed Meehan: Correct. We can say, relocate gate away from driveway, Main Street driveway entrance?

Commissioner Camerota: Yes.

Commissioner Turco: Just a question for Ed. Ed, it says here under number five so the Commission recommends the Town Departments will be involved with the set up, they will report any concerns to the Town Manager. I'm just wondering, what is the process for termination of the event. If the event is not complying with any of these categories here, what happens.

Ed Meehan: Under the event application that is submitted to the Town Managers Office by ordinance because it is on town property, the Town Manager has the right to direct termination. An example might be that we find that the litter control is not being done, not being properly picked up. They give them a warning, the next time the Town Managers office could cancel, or if there was anything to do with a dangerous situation with emergency vehicles getting in there. There are a variety of reasons that would have to be worked out as this goes forward. I think reporting back to the Commission after the first two events can be done. I think we could do a termination if necessary, but might be drafted quicker through the Town Manager's office. We aren't holding any insurance on this.

Commissioner Pane: I don't want you to misinterpret what I meant. I might have explained it wrong. It can be still before the Town Manager, maybe we can just set up a number seven that that report will come back to this full body from the Town Planner after the first two events. Thank you.

Ed Meehan: The other reason for doing that too, in order to revoke a special exception requires a public hearing, so the Town Manager can do it quicker.

Chairman Pruet: Okay, any further discussion on the motion?

The vote was unanimously in favor of the motion, with seven voting YES.

8-24 Referral Report

**Easement to CL&P Mill Street Extension
New Samaritan Elderly Housing Project**

Commissioner Pane moved that the Commission report to the Town Council its approval to grant the Connecticut Light and Power Company (CL&P) an easement area of approximately 2,900 square feet for placement of electrical line and transformer on Town owned property now leased to the New Samaritan Corporation for development of the New Meadow Phase II Elderly Housing project.

This utility easement is identified on "Map Showing Easement Area to be Granted to the Connecticut Light and Power Company Across Property of New Meadow Elderly Housing, Inc. 50 Mill Street Extension." (Sheet 1 of 1)

The motion was seconded by Commissioner Camerota.

The vote was unanimously in favor of the motion, with seven voting YES.

Petition 15-11

150 Kitts Lane

Joey Garlic's Restaurant

Site Plan Modification – Outside Seating

Commissioner Aieta moved that Petition 15-11 150 Kitts Lane, Joey Garlic's Restaurant, Yale Realty Services Corporation owner, Michael Berzrudczk, 505 Asylum Avenue #404 Hartford, CT 06105 contact Anthony Sullo 150 Kitts Lane Newington, CT 06111 request for site plan modification 140 square foot customer take out area and 420 square foot (30) seats seasonal outside dining area be approved based on the plan prepared by Archimage Group Architects "Schematic Design SD-1, Joey Garlic's, scale 1/4" = 1' dated 4-4-11."

The motion was seconded by Commissioner Lenares.

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ May 11, 2011 and May 25, 2011)

- A. Petition 09-11 – Toll Brothers, Inc. 53 Church Hill Road Newtown, CT 06460 applicant, Marcap LLC owner request Zone Map Amendment from CD Commercial Development District) to R-12 (Residential Use District for a 28.5 acre parcel adjacent to East Cedar Street Assessor Map 11-335.00A. Public Hearing set for May 25, 2011.

- B. Petition 12-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 Residential Zone District. Public Hearing set for May 25, 2011.
- C. Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request for 4 Special Permit Section 6.8 Zoning Regulations for open space subdivision, 71 lots single family homes 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000 R-20 Residential Zone District. Public Hearing set for May 25, 2011.
- D. Petition 10-11 – 151 Rockwell Road Curley Properties LLC owner and applicant, request site plan modification to add 9,375 square feet for warehouse space use, contact Alan Bongiovanni BGI Land Surveyors 170 Pane Road, Newington, PD Zone District. (Note: Review and Approval by Newington Development Commission required) Schedule for May 11, 2011.

Ed Meehan: You can see that the Toll Brothers petition, Petition 09-11, 12-11, 13-11 public hearings dates are now set for May 25th for the beginning of those three applications. The reason that it was set out that far in advance was that we had to make inter-town referrals, both to the Capital Region Council of Governments and to our neighbor in Wethersfield because we abut Russell Road which is in the Town of Wethersfield. Petition D, 10-11, 151 Rockwell Road I would recommend that you take that up at your next meeting May 11th, that will be before the Development Commission which meets next week, May 4th, and they will have a report ready for you on May 11th. This is a site plan modification. The other thing I would add about the Toll Brothers petitions, probably the beginning of next week, both myself and staff of this Commission and the Town Engineer and the staff of the Wetlands Commission will have plans available for public review at the town clerks office and in our office. The public is welcome to come in and review them.

Chairman Pruet: That will be on the web site too Ed?

Ed Meehan: Well, we can't put the plans up on the web site, the information, yes.

Chairman Pruet: Okay, I think that Petition 10-11 should be moved up for our next meeting, I think we have room for that and we will also continue the discussion on Special Exceptions that will give us some information to discuss.

IX. REMARKS BY COMMISSIONERS

Commissioner Pane: Mr. Chairman, the room that we used to be in but now we're getting moved used to be called the Curtis Ambler room and gradually it seems like the name wasn't kept but slowly eliminated. Are we going to name the new area that we are going to the Curtis Ambler room, or not, and it's very unfortunate that the Town Manager, who is new didn't really consult with either the Planning Department or you know, the Commission because that room has some meaning to Curtis Ambler and Patricia Genova and it saddens me that the room is not continued to be called the Curtis Amber room. Maybe Ed could tell me if the new area that we are going to be moved to, is it just going to be renamed?

Ed Meehan: To answer that question, we are going to be going back to that area for your monthly meetings once the renovations are complete. As far as I know there is no reason

that it can't continue to be known by Mr. Ambler, there was a plaque outside at one time, and there was a picture and dedication inside, but I will bring that to the Manager's attention.

Commissioner Pane: Thanks very much Ed.

Chairman Pruet: Any idea Ed on the progress on the renovations?

Ed Meehan: I believe that we are looking towards late summer to be back up at that end of the building. They are doing environmental work.

Chairman Pruet: That's locked now, you can't enter there?

Ed Meehan: That's correct, they're doing asbestos removal.

Chairman Pruet: Any other Commissioner remarks?

X. STAFF REPORT

Ed Meehan: A couple of things on the table, just very briefly, an acknowledgement from the Post Office which I wanted to make sure that you saw. You know that they moved the boxes, it seems to be working better. A little bit more space for people to park, maneuver in, away from the driveway.

Attended a meeting on Monday with the Department of Transportation officials and their consultants on the New Haven-Hartford-Springfield line, the intercity rail line. The flyer is there, they are doing work on the environmental assessment, just quickly, forty million has been approved for double tracking which will impact Newington just north of the Berlin station up to, just above Newington Junction, they will be putting a couple of track in which will benefit service through Newington. The Town Engineer made a strong plea, request as far as the environmental study and also just for practical maintenance that Amtrak and ConnDot address a flooding problem on Stamm Road and Styles down by Liberty, a seasonal problem. We believe that they can do that through an environmental assessment which is a (inaudible) project. Longer range, other phase will have to do with switching improvements, station improvements. Newington Junction improvements if it does happen will be in Phase Four which will be in 2020. They hope to have this double track in and the rail operational by 2016. So it's a major infrastructure improvement through town. The funding is approved for the forty million and it's available, and they have hired consultants to start the work. A hundred and twenty-one million approved but not released from the Obama Administration for enhancements to stations and switching and safety improvement on the corridor and then the later phase, it depends on several budgets going out for new stations in Newington, West Hartford, and I think Enfield on the corridor. That's long range.

The other thing on the table is that the Zoning Officer did do a Saturday patrol. His notes are there, nothing unusual, the same folks that we see during the week for the most part, all signs and so forth, I can get you more detail on that if you wish.

Chairman Pruet: Any questions for Ed on the Staff Report?

XI. PUBLIC PARTICIPATION

(For items not listed on the agenda)

Steve Ciesones, 2C Westchester Hill, Colchester, CT: I currently run the concession stand in the Newington arena. The owner here, Scott is here with me, and if you look at the paper work here, what we are trying to do is give our customers an outdoor area to have a hot dog or hamburger or a little bit of breakfast. We have a trolley, Ed has the actual pictures, I made

copies of the pictures, but we have a food trolley that we would like to put out in front of the building. We would be open when the rink is open and as I stated in my first paragraph here, we're just trying to give our customers an area to go out in the summertime between May and September. It gets a little old in the rink for our customers, our figure skating customers. They are in there all winter. We don't do a lot of business in the summer and this winter when we went in there, we had the, MDC has us put in a grease trap, I'm sure you folks know all about those with all the restaurants, so that was like \$4500.00 and so when the owner asked me to keep the concession open this summer for the patrons, the few patrons in the summer at the rink, I said I would like to put a hot dog cart out in the front of the building. He said, let's see if we can pull it off. Luckily I ran into a gentleman, Gerry, from Newington who had this trolley that I have pictures of in here, and it was sitting in his driveway. The Health Department, the Central Connecticut Health District went over, I put a letter in that they sent me, and they are able to just extend my license from inside to outside for the summer months. I would keep the inside open as well, because basically that is where I would be doing all my prep work, all my refrigeration so it would be a temporary place to serve the food, I wouldn't be prepping any food in there, and they kind of like that. They know that I have this trailer that meets all of the requirements, has four sinks in it, has hot water, has everything that you need, they were very impressed. It's all screened in. Like I was telling Ed, the bathrooms would be open of course in the rink, so there would be no problem with that. There's ample parking there, there would be a couple of picnic tables out there, with some umbrellas, very limited signage. I would probably just have a little sign out front, a little tiny little sign out there just telling them that we are open in the morning. Nothing flashy, no neon signs or anything. As far as the grease that it produces, we have the grease trap in the back of the building, so we meet all the requirements with that. We have the new grease trap, we also have that, but there will be no fried food. It will be a very limited menu, and what it would do for us is it might get us a few people who drive by and pull into the rink that normally wouldn't come inside the rink. We have the VA there, we have the National Guard, have some customers who come over from there, very rarely. If I'm there sometimes late in the afternoon there's a few people who, their sons play hockey, and they have always said to me, boy, that cafeteria food gets old. I just think that if we had a little area out there with a few picnic tables where people can congregate and maybe have a cold drink or a cup of coffee, it would be very nice for them. It's gotten good reaction from everybody at the rink, because they don't want me to close the grill for the summer, but let's face it, it's a hockey type of thing. When the hockey people are there, we make money. To be very honest with you, I'll tell you what I tell everyone else, the figure skaters don't eat much. They are there all summer. The things that they do eat are perishable. I'm a class three establishment which means that I can't cook food and re-heat it. Whatever I cook I have to throw away by the end of the day, so, they like the salads and stuff, and if they don't buy them, then I've got to throw it away, and the fruit and the same stuff, so my idea to keep it open was to go out front. There would be no street vending, you'd have to pull into the rink to be served. I don't see any other issues. There is no traffic problem there, I mean, I made a home made sketch, I'm not much of an artist but if you look at the last page you can see there is little grassy area in front of the sidewalk and what I would like to do is just put it out in front of the building so I have easy access to get inside if I need to. The inside grill in there, whoever built it did a beautiful job. It's almost 1,000 square feet. It has a walk in freezer, walk in cooler. I have two pizza ovens in there, have a three bay sink. So basically, can we go outside for the summer rather than sit, people tell me in Europe ice skating is very popular in the summer. It's hot out and people come in, that's not how it works in America I don't think. It seems to be that, and at \$4.50 per gallon, I'd like to have an area where maybe the people at the VA could walk down to, and have a hamburger and a coke at lunch, if they would like. I think by going outside we might be able to take care of the people that are in there, the inside and maybe I would be able to make a little bit of money and pay some taxes and be nice to everybody and give the town something to talk about, because this trolley is really cool. So if

you say it's okay for us to put in there, come over and check it out, you'll really like it. It's a really neat thing. Whoever built this back in the early sixties, it's all stainless steel, it's got hot water, it's got electricity, it's got lights. If you notice on the front here I put my hours down, I'd really like to get out there sometime in May, take it through September. I put 7:00 A.M. to 5:00 P.M. It would probably be eight to four, or something like that. I would be there on weekends if there is a special event at the rink in the summer. The Nutmeg Games come there, they're like three days, maybe I would open it up in the summer while there. It's basically just me, I really don't have any help. It would be nice if I could hire help of one person, maybe two, but other than that, if you have any questions, I'd love to answer them.

Chairman Pruet: Ed, I'd be interested in what you have to say from a Town Planner's point of view.

Ed Meehan: This is a unique idea, it doesn't fall under the street vending ordinance, since it is on private property. This venue was granted a Special Exception years ago when the hockey rink first opened for food services, restaurant use. As the gentleman has described, he has a grill inside, but there is nothing that says, in the regulations, about putting something outside, so that is why I suggested he come and make his pitch to you. I think on a temporary basis the extension of the Special Exception outside on a season temporary basis, on private property, under the parameters which you heard, the hours of operation, knowing that the Health District has already looked at this, might be a reasonable thing to do. He has backup refrigeration, bathrooms and so forth in the building. Certainly there are a lot of places for patrons to park in that parking lot, pulling off to drive in there, so I would see this as an extension of the Special Exception.

Commissioner Pane: Thank you Mr. Chairman. I like the idea that this is on private property, I like the idea that it is next to the front door of the rink. I know that, I'm familiar with the rink area, and I know that there are ample sidewalks there in the front so pedestrians will not be standing in any roadways, so I like that. I have no objection to this Mr. Chairman, I think this is something that would be an asset to the arena and the person who is running the concession stand in there and an asset to the area there, on a temporary basis, so that we can see how everything runs and then maybe each year you could apply for it.

Commissioner Aieta: Because it is an extension of the Special Exception I think we should allow him to do this and take a look at it and if we get any complaints, take another look at it. I don't think there is anything else that we have to do and I think it is within our purview to grant this tonight.

Chairman Pruet: Anyone else? Okay, is it the consensus of the Commission to go forward on this and allow this establishment, and we'll take a look at it, and if there are any concerns we will address them with you, through our town staff and if that is the consensus, you can go forward with it. Everybody agree?

Commission: Yes.

Chairman Pruet: Okay, good luck.

Steve Ciesones: Thank you very much, so we are good to go? Thank you.

Chairman Pruet: Further participation?

Pam Giebel, 20 Edmund Street: I am just looking for clarification because you spoke so fast and I'm not that versed with your procedures. When you talked about the Toll Brothers

petition, I'm assuming that you are talking about Cedar Mountain development, is that correct?

Chairman Pruett: Yes.

Pam Giebel: Okay. So what exactly did you say, because you said first something about May 11th, and then something about May 25th, and then something about plans that can be viewed in the Planning Office, exactly what was that all about?

Ed Meehan: The public hearing on the Toll Brothers application which is, one is for a zone change, one is for a subdivision, and the third application is for what we call an open space subdivision which requires a Special Exception. All three of those public hearing will begin May 25th, in this room. Prior to that, the Commission is required by law to advertise in the newspaper the public hearing dates, the location and time. That won't happen for a couple of weeks, because you have to do it at least fifteen days before the meeting. But the plans will be available for public review beginning on Monday next week, in the Town Clerk's office which is just across the hall from this room, and in the Engineering and Planning Office which is down in the back of the building where you come into the Police Department. We will make sets of plans available for public review.

Pam Giebel: Okay, thank you very much.

Chairman Pruett: Thank you. Any further public participation?

Rose Lyons, 46 Elton Drive: In a recent letter to the editor two individuals stated that they thought that I had a little bit too much time on my hands because I attend so many Town Council Commission committee meetings. It was suggested that I join forces with them in opposition to the cell tower being built on the grounds of the Anna Reynolds school. In my opinion, I think that they missed the boat by not being at the meetings of the Town Council, at the Board of Education and the TPZ meetings. That all being said I really do think that, I think it was a year or so ago when Toll Brothers came before you that the suggestion was made that perhaps if there were neighborhoods that were going to be affected directly by either buildings or whatever was going to be proposed for their area that they be notified, and I think the Town Council said that it would be too costly to do something like that. The cell tower, Toll Brothers, other things come before this Commission that affect a lot of people in this town, and I know that the public notice is put in the New Britain Herald, not everyone gets the New Britain Herald. Not everyone has a computer to go to the web site. Not everyone has the availability of watching NCTV. Now you have to pay for a box in order to get local public access. I'm just wondering if there is some way that this Commission, the Town Council and others can get together and figure out a way to get the word out to the public and let it be known, not only in the town, or the New Britain Herald but maybe in the Town Crier. It seems to me that Save the Mountain Facebook and things like that are the mode of communications that people use that are interested in what is happening. A few weeks ago, or a month ago, Toll Brothers came at the invitation of former Mayor Wright before the Town Council and made a presentation, which one Councilor said was well publicized. I took exception to what she was saying because it was not even publicized, it wasn't even on the agenda. It was just a discussion regarding open space. My suggestion or my hope is that perhaps we can get the word out in a better way on things that are important to this community, as cell towers being built on school grounds, on Toll Brothers project and so forth. Another comment, I'm probably the only one who is here at every meeting, the last few months or so, but I know there are going to be more people coming. I get the agenda off of the web site. I think it might be nice to have some agendas available for people who are coming in, in the next few weeks so they can follow along with what is going on. Thank you.

Chairman Pruett: Thank you for your comments, Mrs. Lyons. Anyone else from the public?

XII. CLOSING REMARKS BY CHAIRMAN

None

XIII. ADJOURNMENT

Commissioner Camerota moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary